

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 522 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO
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HASMUKHBHAI VALLABHDAS BHOJANI

Versus

STATE OF GUJARAT

Appearance:

1. Special Criminal Application No. 522 of 2001
MR YOGESH S LAKHANI for Petitioner No. 1
MR ND GOHIL, APP for Respondent No. 1
MR KB ANANDJIWALA for Respondent No. 2
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CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 08/07/2002

ORAL JUDGEMENT

Having heard Mr.YS Lakhani, learned advocate for
the petitioner, Mr.ND Gohil, learned APP for respondent
no.1 State of Gujarat, Mr.KB Anandjiwala, learned

advocate for respondent no.2 and on having perused the averments made in the memo of the petition, grounds set out therein and the documents annexed therewith along with the impugned order dated 25th June, 2001 recorded in Criminal Revision Application No.2/2002 by the learned Additional Sessions Judge, Morbi, by which he has allowed the Revision filed by the respondent no.2 against the present petitioner and thereby he has quashed and set aside the order dated 16th March, 2001 recorded in Criminal Inquiry Case No.6/2001 by the learned JMFC, Morbi and on the basis of the consensual statement made by the learned advocates appearing for the parties, the order impugned in this petition deserves to be quashed and set aside by allowing this Special Criminal Application.

For the foregoing reasons, the petition succeeds and accordingly it is allowed. The order dated 25th June, 2001 is quashed and set aside. Accordingly, the order dated 16th March, 2001 recorded in Criminal Inquiry Case No.6/2001 passed by the learned JMFC, Morbi, sending the complaint for investigation under Section 156(3) of the Code of Criminal Procedure shall stand restored. Investigating Officer is directed to proceed with the investigation in connection with Criminal Inquiry Case No.6/2001 forthwith.

Rule is made absolute accordingly.

(A.M. Kapadia, J.)

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